

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK CARBONE, et al.,
Petitioner

- against -

RAYMOND CUNNINGAM,
Respondent.

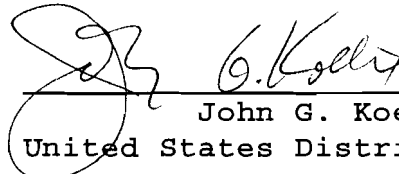
JOHN G. KOELTL, District Judge:

The Court has received a letter dated February 11, 2008 and attached records from the petitioner. The Court interprets the letter and attached material as either a motion for reconsideration of the Court's denial of the petition for habeas corpus, or a motion to rehear the petition, or a motion for reconsideration of the Court's refusal to issue a certificate of appealability. There is no merit to the application and the motion for rehearing/reconsideration is denied.

The petitioner asks that his records be sent to the Court of Appeals for review. The application will be docketed and sent to the Court of Appeals for inclusion with the petitioner's pending notice of appeal which can be construed as an application to the Court of Appeals for a certificate of appealability.

SO ORDERED.

Dated: New York, New York
February 15, 2008



John G. Koeltl
United States District Judge

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DATE FILED: 2/15/08

06 Civ. 5710 (JGK)

MEMORANDUM OPINION
AND ORDER